



Attorney Docket 040750-5001-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **H-J. Su Huang et al.**

Application No. **09/071,541**

Filed: **May 4, 1998**

For: **Methods to Modulate the Resistance of Cells to Apoptosis Mediated by Mutant Epidermal Growth Factor Receptors**

Group Art Unit: **1623**

Examiner: **K. Fonda, Ph.D.**

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**RESPONSE UNDER 37 C.F.R. 1.116**

This response is in reply to the Final Office Action dated November 26, 2002 (Paper No. 24), the period for response having been extended from February 26, 2003 to April 26, 2003 by the accompanying petition for a two-month extension of time and Notice of Appeal. Applicants respectfully request reconsideration and withdrawal of the outstanding rejections in view of the amendments and remarks contained herein

Prior to examination on the merits, please amend this application as follows:

**In the claims:**

**Please substitute the following claims for claims 1, 9 & 13 as follows:**

1. (Five times amended) A method of modulating an apoptosis-inhibiting effect in a target cell or tissue of a mutant EGFR gene, comprising administering to the cell or tissue an amount of a tyrosine kinase inhibitor that is effective to reduce resistance to induction of apoptosis or resistance to an increased rate of apoptosis in the target cell or tissue in combination with a therapy that is effective to induce apoptosis or to increase the rate of apoptosis in the cell or tissue.

9. (Four times amended) A pharmaceutical composition comprising a mixture of:

(A) an amount of an agent that is effective to induce apoptosis or to increase a rate of apoptosis in a target cell or tissue; and

(B) an amount of a tyrosine kinase inhibitor that is effective to reduce resistance to induction of apoptosis or resistance to the increased rate of apoptosis in the target cell or tissue expressing a mutant EGFR gene, the resistance being mediated by a mutant EGFR.

13. (Four times amended) A kit for treating cancer comprising: